

ESTTA Tracking number: **ESTTA376157**

Filing date: **11/01/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers Information

Name	C. V. Starr & Co., Inc.
Granted to Date of previous extension	10/31/2010
Address	399 Park Avenue New York, NY 10022 UNITED STATES

Name	Starr International Company, Inc.
Granted to Date of previous extension	10/31/2010
Address	101 Baarerstrasse CH Zug, 6300 SWITZERLAND

Attorney information	Jill K. Tomlinson Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES jkt@cll.com, asc@cll.com, trademark@cll.com Phone:212-790-9200
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Applicant Information

Application No	77766286	Publication date	05/04/2010
Opposition Filing Date	11/01/2010	Opposition Period Ends	10/31/2010
Applicant	Bankrate, Inc. Suite 200 11760 U.S. Highway One North Palm Beach, FL 33408 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 2007/10/31 First Use In Commerce: 2007/10/31
All goods and services in the class are opposed, namely: Financial information services in the nature of providing an online computer database of financial institutions and their corresponding ratings

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	1203049_1.pdf (1 page)(46528 bytes) 1202346_2.pdf (10 pages)(811146 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jill K. Tomlinson/
Name	Jill K. Tomlinson
Date	11/01/2010

Cowan, Liebowitz & Latman, P.C.

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November 1, 2010

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: C.V. STARR & CO., INC. and STARR INTERNATIONAL
COMPANY, INC.,
Notice of Opposition Against
BANKRATE, INC.,
Application to register STAR RATINGS
Ref. No. 28908.091

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 77/766,286 published in the Official Gazette on May 4, 2010. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$600 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Arlana S. Cohen of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

By: /Jill K. Tomlinson/
Jill K. Tomlinson

Enclosures

cc: Arlana S. Cohen, Esq.
Karolyn Richter

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In The Matter of Application Serial No. 77/766,286

Filed June 23, 2009

For Trademark STAR RATINGS

Published in the Official Gazette of May 4, 2010

-----X		
C.V. STARR & CO., INC. and STARR)	
INTERNATIONAL COMPANY, INC.,)	
)	
Opposers,)	
)	
v.)	Opposition No.
)	
BANKRATE, INC.,)	
)	
Applicant.)	
-----X		

CONSOLIDATED NOTICE OF OPPOSITION

C.V. Starr & Co., Inc., a Delaware corporation, having a business address at 399 Park Avenue South, New York, NY 10022, U.S.A. (“CVS”), and Starr International Company, Inc., a corporation organized under the laws of Panama, having a business address at 101 Baarerstrasse, Zug, 6300, Switzerland (“SICO”) (collectively, CVS and SICO are the “Opposers”), believe that they will be damaged by registration of the mark STAR RATINGS shown in Application Serial No. 77/766,286 filed June 23, 2009 (the “Application”) for “Financial information services in the nature of providing an online computer database of financial institutions and their corresponding ratings” in International Class 36, and having been granted extensions of time to oppose up to and including October 31, 2010, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Since long prior to October 31, 2007, Applicant’s claimed first use date, Opposer CVS, through its subsidiaries, has engaged throughout the United States in the business of

insurance underwriting and agency services and services related thereto, under the mark STARR used either alone or in conjunction with other words and/or design elements (collectively, the "STARR Marks").

2. Opposer CVS owns U.S. federal registrations and applications for the STARR Marks in International Class 36, namely, Registration Nos. 3,710,604, 3,581,100, 3,786,269, 3,587,646, 3,666,161, 3,7795,587, 3,587,775, 3,573,228, 3,205,663, 1,601,345, 1,570,227, 3,694,246, 3,669,818, 2,877,409, 2,926,969, 3,752,654, and 3,747,175, and Application Serial Nos. 77/139,179, 77/680,276, 77/164,995 and 77/680,501.

3. Since long prior to October 31, 2007, Applicant's claimed first use date, Opposer CVS has extensively advertised and otherwise promoted its services offered in connection with the STARR Marks and has offered for sale and/or sold such services in interstate commerce.

4. As a result of the sales and promotion of its services offered in connection with the STARR Marks, Opposer CVS has built up highly valuable goodwill in the STARR Marks, and said goodwill has become closely and uniquely identified and associated with Opposer CVS.

5. Since long prior to October 31, 2007, Applicant's claimed first use date, Opposer SICO, through its subsidiaries, has engaged throughout the United States in the business of investment services, investment advisory services, and services related thereto, under the mark STARR INTERNATIONAL or a Star and Globe Design mark used either alone or in conjunction with other words and/or design elements (collectively, the "STARR INTERNATIONAL Marks")

6. Opposer SICO owns a U.S. federal registration and an application for the STARR INTERNATIONAL Marks in International Classes 35, 36 and 39, namely, Registration No. 3,803,701 and Application Serial No. 77/179,833.

7. Since long prior to October 31, 2007, Applicant's claimed first use date, Opposer SICO has advertised and otherwise promoted its services offered in connection with the STARR INTERNATIONAL Marks and has offered for sale and/or sold such services in interstate commerce.

8. As a result of the sales and promotion of its services sold and/or offered for sale in connection with the STARR INTERNATIONAL Marks, CVS has built up highly valuable goodwill in the STARR INTERNATIONAL Marks, and said goodwill has become closely and uniquely identified and associated with CVS.

9. On or about June 23, 2009, Applicant Bankrate, Inc. filed the Application to register the mark STAR RATINGS (the "STAR RATINGS Mark") on the Principal Register for "Financial information services in the nature of providing an online computer database of financial institutions and their corresponding ratings" in International Class 36 claiming a first use date of October 31, 2007.

10. Upon information and belief, Applicant did not use the STAR RATINGS Mark in commerce in connection with its applied-for services in International Class 36 prior to its claimed first use date of October 31, 2007.

11. Upon information and belief, the generic term "star ratings" is commonly used in a wide variety of industries and contexts to identify a type of grading or classification system in which the things being classified are assigned a quantity of stars within in a given range.

12. Upon information and believe, Applicant uses the alleged mark STAR RATINGS as a generic term identifying its classification or grading system. See, Print-out from Applicant's website attached hereto as Exhibit A.

13. The trademark registration sought by Applicant pursuant to Serial No. 77/766,286 would be injurious to Opposers, because it will appear to create statutory rights in Applicant with respect to a common designation used descriptively and/or generically and will provide Applicant with false prima facie presumptions attending registration rights, in derogation of the established and continuing rights of Opposers and others in the business to use descriptively, prominently and otherwise the “star ratings” in its ordinary and descriptive sense in connection with the applied-for services. Furthermore, the allowance of the generic or descriptive term “star ratings” for registration as a trademark will create the erroneous, misleading false impression that only Applicant’s services may be offered for sale bearing that designation.

14. Upon information and belief, the services for which Applicant seeks to register the STAR RATINGS Mark are closely related to the services in connection with which Opposers have used their respective STARR Marks and STARR INTERNATIONAL Marks.

15. Applicant’s STAR RATINGS Mark so resembles Opposers’ respective STARR Marks and STARR INTERNATIONAL Marks as to be likely, when applied to Applicant’s services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant’s services sold or offered for sale in connection with the STAR RATINGS Mark have their origin with Opposers and/or that such services are approved, endorsed or sponsored by Opposers or associated in some way with Opposers. Opposers would thereby be injured by the granting to Applicant of a registration for the STAR RATINGS Mark.

16. Opposer would be further injured by the grant of registration to Applicant because Applicant’s Mark, which is a close approximation of Opposers’ respective STARR Marks and STARR INTERNATIONAL Marks, and which points uniquely to Opposers, when used in connection with the applied-for services, would falsely suggest a connection between Applicant,

which has no connection with or authorization from Opposers, and would damage Opposers' valuable goodwill in Opposers' respective STARR Marks and STARR INTERNATIONAL Marks.

WHEREFORE, Opposers pray that registration of the mark of application Serial No. 77/933,625 be refused and that this opposition be sustained.

Please recognize as attorneys for Opposers in this proceeding Arlana S. Cohen and Jill K. Tomlinson (members of the bar of the State of New York) and the firm of Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Arlana S. Cohen, Esq. at the address listed below.

Dated: New York, New York
November 1, 2010

Respectfully submitted,
COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposers

By: /Jill K. Tomlinson/
Arlana S. Cohen
Jill K. Tomlinson
1133 Avenue of the Americas
New York, NY 10036-6799
(212) 790-9200

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Consolidated Notice of Opposition to be sent via first class, postage paid mail to Applicant's attorney of record and correspondent, Carl J. Spagnuolo, Esq., McHale & Slavin, P.A., 2855 PGA Boulevard, Palm Beach Gardens, FL 33410 on November 1, 2010.

/Jill K. Tomlinson/
Jill K. Tomlinson

EXHIBIT A



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30 Year Fixed	3.500%	3.841%	Amerisave	30 Year Fixed	3.750%	4.313%	Amerisave
15 Year Fixed	3.250%	3.402%	Amerisave	15 Year Fixed	3.500%	3.742%	Amerisave
3 Year ARM	2.250%	3.198%	Amerisave	3 Year ARM	3.000%	3.042%	Amerisave

*\$25K loan, jump to \$25K loan, FL 88% CLTV Effective 10/3/09 10 Term 4 apply

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1.13%

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Mortgage Rates

APR

30 Year Fixed	3.500%	3.841%
15 Year Fixed	3.250%	3.402%
40 Year Fixed	4.750%	4.915%
20 Year Fixed	3.375%	3.886%
7 Year ARM	2.375%	3.064%
5 Year ARM	1.875%	2.983%
3 Year ARM	2.250%	3.198%

FHA

Rates

APR

30 Year Fixed	3.750%	4.313%
15 Year Fixed	3.500%	3.742%
5 Year ARM	2.750%	3.098%
3 Year ARM	3.000%	3.042%

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Type Loan Amount

Loan Amount

Choose Your State

State

Get Quote

AmeriSave

Direct Mortgage Lender

*Based on loan: June 2024 ARM, 30 Year, 6.5% CLTV, Offer valid 10/26/2024, 10 Terms, apply

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Product	Yield	+/-	Last week
6 Mo CD	0.81%		0.75%
1 Yr CD	1.13%		1.06%
5 Yr CD	2.34%		2.33%
1 Yr Jumbo CD	0.99%		0.99%

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SAFE & SOUND® STAR RATINGS™

Ratings Structure for Banks, Credit Unions, and Thrifts

Ratings structure

Presented below is an explanation of Bankrate's Safe & Sound rating system for commercial banks, savings institutions and credit unions:

Safe & Sound® rating system

Star rating	Definition
★★★★★	Superior
★★★★	Sound
★★★	Performing
★★	Below peer group
★	Lowest rated
Not Rated "NR"	Complete data not available
Closed	Institution is closed
G	Designates high growth

Safe & Sound® Ratings

Bankrate's Safe & Sound ratings are comparisons to both industry peer norms and standards. In a very small number of instances, operating strategies that differ from industry norms may lead to ratings that are not truly reflective of an institution's financial condition. A Safe & Sound rating of one or two stars does not suggest that we believe direct regulatory action is imminent or even likely but rather only indicates that certain below-average performance factors have been found during the applicable rating cycle. Quarterly updates of Safe & Sound ratings allow us to monitor changes that may occur, and ratings may fluctuate on a quarterly basis.

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In addition to issuing a Safe & Sound® rating for a financial institution, Bankrate.com also prepares a written report for each rated financial institution that has at least four quarters of historical financial data on file with the applicable federal regulatory agencies. This report includes: (i) an earnings analysis examining profitability, component contributions to current year results and prior year performance; (ii) a review of asset quality -- focusing on nonperforming asset levels, loss reserve coverage, category risk and loan yield; (iii) an analysis of capital trends, adequacy, quality and durability, liquidity and interest rate risk; (iv) a summary of organizational information and historical financial data, and (v) a separate financial summary section, including a balance sheet and operating and ratio data. No report is available for financial institutions that do not have at least four quarters of historical financial data on file with the applicable federal regulatory agencies. Therefore, the lack of a report for a particular financial institution is not necessarily an indication of its financial strength or weakness -- the financial institution may simply be too new for Bankrate to prepare a report. The Safe and Sound rating is believed to be reliable but the information is not guaranteed. Events may have occurred since the information was collected that may have altered an institution's financial condition.

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An institution with a "NR" rating may be too new to rate. The "NR" is not an indication of financial strength or weakness and is not meant to be derogatory.

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Bankrate.com deems financial institutions that exhibit asset growth of 25 percent, or more, during a 12-month period as "high growth" and identifies these institutions with a "G" modifier next to its Safe & Sound rating. High growth financial institutions may be assuming more than normal risk, which could impact future safety and soundness. Accordingly, businesses and consumers with actual or potential credit exposure to commercial banks, savings institutions and credit unions carrying our "G" modifier should consider seeking clarification from the financial institution's management as to the nature of reported asset growth.

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Mortgage Rates			Rate	APR		FHA Rates			Rate	APR	
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3 Year ARM			2.250%	3.198%	Amerisave	3 Year ARM			3.000%	3.042%	Amerisave

*\$150 K loan, Jumbo \$425 K loan, FL, 30% CLTV, Effective 10/29/09, 1% Term 1 apply.

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